

REMARKS

Reconsideration of the above-identified patent application is respectfully requested.

Claim Objections:

Claim 3 has been canceled and rewritten as claim 20, as suggested by the Examiner.

Claim Rejections - 35 U.S.C. § 112:

Claims 1-15 have been rejected under 35 U.S.C. § 112, second paragraph. The Examiner alleges that the claims cover "any conceivable combination of ingredients" which would impart the desired characteristics. In support of the rejection, the Examiner cites *Ex parte Slob*. However, in *Ex parte Slob*, the objectionable language defined "a liquefiable substance" having certain characteristics. Thus, *Ex parte Slob* truly did not limit the claimed invention to any material whatsoever, it merely defined a "substance". In contrast to *Ex parte Slob*, the claimed material is clearly defined. Specifically, the claimed material comprises primarily an open cell polymeric foam material with additional language added concerning the structure. Thus, at a minimum, the material according to the present invention is a polymeric foam with a continuous three-dimensional network surrounding a gaseous phase dispersed therein. Thus, the claims do not read on any conceivable combination of ingredients which might impart the desired characteristics. Instead, the claims are limited specifically to a polymeric foam as defined. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections of the claims based on

35 U.S.C. § 112, second paragraph. In addition, new claims 16-19 have been added which further define the polymeric foam as either a polysaccharide or polypeptide. Such claims further define the invention, and are thus also clearly within the requirements of 35 U.S.C. § 112, second paragraph.

Art Rejections:

Claims 1-15 have been rejected under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,261,679, hereafter Chen.

In response to the rejection, each of the independent claims have been amended to clarify that the liquid absorbing material comprises primarily an open-cell polymeric foam material, having certain features and characteristics as defined in the various claims. Support for the amendment to these claims may be found in the examples of the present application, wherein the foam material vastly exceeds the amount of fiber or other material that may be present in the examples.

In fact, some of the embodiments of the present invention may consist of 100% foam, with no fiber.

In contrast to the present invention, Chen discloses a fibrous material, wherein a foam forming material has been added to the fibrous material to keep the fibers apart and to create an expanded and highly porous fiber structure. The Chen material is defined as a "foam-reinforced fibrous network". See col. 1, line 64, "wherein the components of the structure and composition or foam play a relatively minor structural role in the final

absorbent material, once the fibers have been properly positions and bound." See col. 2, lines 1-4.

Thus, according to Chen, the fibers form the walls in the cellular structure. See for example Figure 2 in Chen. Although fibers may be present in some of the embodiments of the present invention, the fibers are only a minor part of the material, and the resulting structure will be primarily a fiber reinforced foam rather than the opposite, i.e., a foam reinforced fibrous network, as is disclosed by Chen.

Since the materials of the present invention are substantially different than those disclosed by Chen, such materials will have very differing properties. Especially, the liquid storage capacity measured through CRC will be significantly lower in the fiber structure disclosed by Chen, since the CRC method mainly measures the so-called "gel liquid", which is liquid that is firmly bound in pores smaller than 3 μm . A fibrous network of the kind shown in Figure 2 of Chen will have a considerably lower CRC value than claimed. Chen also shows an alternative embodiment in Figure 4, in which foam bubbles occupy some of the void spaces in the fibrous network. When explaining this embodiment in column 42, lines 6-38, it is disclosed that the cells defined by the foamable binder specifically have a diameter from about 0.02 mm to about 0.2 mm. It is not discussed that a considerable part of these cells will have a size small enough to give a liquid storage capacity as claimed in the present application.

Accordingly, in view of the foregoing amendments and remarks, it should now be clear that the claims comply with 35 U.S.C. §112 and clearly define over Chen.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Support for the new claims 16-18 may be found in the paragraph beginning at the bottom of page 8.

Respectfully submitted,

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